

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**DAVID MCCAIG, INDIVIDUALLY AND
AS THE HEIR AT LAW OF ALLIE VIDA
MCCAIG AND MARILYN MCCAIG,**

Plaintiffs,

v.

WELLS FARGO BANK (TEXAS), N.A.

Defendant

Civil Action No. 2:11-cv-00351

WELLS FARGO'S SUPPLEMENTAL PRE-TRIAL DISCLOSURES

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Wells Fargo Bank, N.A. ("Defendant" or "Wells Fargo") and files its Supplemental Pre-Trial Disclosures pursuant to Fed. R. Civ. P. 26(a)(3) supplementing the Pre-Trial Disclosures filed on August 16, 2013, and would respectfully show the Court the following:

1. The designation of those witnesses whose testimony Wells Fargo expects to present by deposition.

For the first time in this litigation and in connection with preparing and filing the Joint Pre-Trial Order, Plaintiffs averred that they intended to call their former attorney, Vaughn Westheimer, to testify, among other things, regarding the "intended terms" of the Settlement and Forbearance Agreements. On August 28, 2013, Wells Fargo took Vaughn Westheimer's deposition. In addition to the excerpts from the depositions of Jennifer DeMonde and Michael Dolan designated in Wells Fargo's Pre-Trial Disclosures filed August 16, 2013, Wells Fargo designates the following excerpts from the deposition of Vaughn Westheimer.

Page 20, line 12 through page 21, line 10
Page 27, line 7 through page 29, line 11
Page 32, line 15 through page 33, line 16
Page 33, line 22 through page 34, line 15
Page 38, line 25 through page 39, line 17

Wells Fargo reserves the right to use any and all deposition testimony disclosed by Plaintiffs. Wells Fargo reserves the right to not use these deposition excerpts.

Respectfully submitted,

By: //s// Daniel J. Kasprzak
Daniel J. Kasprzak
TBA No. 11105300

**OF COUNSEL:
JOHNSON DELUCA KURISKY & GOULD, P.C.**

George A. Kurisky, Jr.
TBA No. 11767700
Branch M. Sheppard
TBA No. 24033057
4 Houston Center
1221 Lamar, Suite 1000
Houston, Texas 77010
(713) 652-2525 – Telephone
(713) 652-5130 – Facsimile

**ATTORNEYS FOR DEFENDANT,
WELLS FARGO BANK N.A.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Supplemental Pre-Trial Disclosures was served upon counsel of record as indicated below on September 13, 2013:

Via facsimile (979) 922-8857
SAVANNAH ROBINSON
1822 MAIN
DANBURY, TEXAS 77534

//s// Daniel J. Kasprzak
Daniel J. Kasprzak